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PATENT
Attorney Docket No.: 040102-000210US

TOWNSEND and TOWNSEND and CREW LLP

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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of:

Andrew Citrynell et al.

Application No.: 10/727,878

Filed: December 3, 2003

For: MULTI-PURPOSE
STEAMER/SMOKER AND GRILLING
DEVICES

Customer No.: 20350

Confirmation No. 6740

Examiner: Reginald Alexander

Technology Center/Art Unit: 1761

AMENDMENT

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

In response to the Office Action mailed April 21, 2006, please enter the following
amendments and remarks:

Amendments to the Claims are reflected in the listing of claims which begins on page 2 of this
paper.

Remarks begin on page 5 of this paper.

Amendments to the Claims:

This listing of claims will replace all prior versions, and listings of claims in the application:

Listing of Claims:

1. (Previously presented) A grilling system, comprising:
a grill base that is adapted to be heated, wherein the grill base has a top end, a bottom end, and an open interior that is adapted to hold a heatable substance that produces smoke or liquid vapors when heated, the top end defining at least one opening, thereby exposing the open interior;
an insert that is disposed within the interior of the grill base to divide the grill base into separate chambers, wherein the insert contacts and rests on the bottom end of the base, and wherein the insert is configured to hold the heatable substance;
a manifold coupled to the grill base so as to be positioned above the heatable substance, the manifold comprising a platform and at least one conduit that extends vertically upward from the grill base and through the platform;
whereby smoke or liquid vapors rising from the grill base pass through the at least one conduit and vertically above the platform.
 2. (Original) A grilling system as in claim 1, wherein the grill base and the insert comprise a thermally conductive material.
 3. (Previously presented) A grilling system as in claim 1, wherein the manifold comprises a thermally conductive material.
 4. (Previously presented) A grilling system as in claim 1, further comprising a grill member that may be positioned above the manifold and wherein the manifold further comprises a platform that is adapted to removably hold the grill member.
 5. (Original) A grilling system as in claim 4, wherein the platform includes a lip, and wherein the grill member is configured to rest on the lip.
- Claim 6 (Canceled).

7. (Previously presented) A grilling system as in claim 1, further comprising a lid that is adapted to be placed over the manifold.

8. (Previously presented) A method for grilling a grillable substance, the method comprising:

providing a grill base having a top end, a bottom end, an open interior and an insert that divides the grill base into multiple chambers;

placing a heatable substance into the interior;

placing a platform above the grill base, wherein the platform includes a central hole that is at a geometric center of the platform;

placing a grill member onto the platform;

placing at least one grillable substance onto the grill member;

heating the grill base to cause heat to be transferred to the grill member to grill the grillable substance and to produce smoke or liquid vapors from the heatable substance, wherein the smoke or liquid vapors rise from the grill base and pass through the central hole in the platform.

Claim 9 (Canceled).

10. (Previously presented) A method as in claim 8, further comprising placing a lid over the grill member.

11. (Original) A method as in claim 8, further comprising placing the grill base onto a barbecue grill to provide the heat to the grill base.

12. (Original) A method as in claim 8, wherein the heatable substance comprises moist wood chips that are placed into the interior.

13. (Previously presented) A method as in claim 8, wherein the heatable substance comprises a liquid, and further comprising pouring the liquid into the insert, and placing the insert into the interior.

Claims 14-18 (Canceled).

19. (Previously presented) A grilling system, comprising:
a grill base that is adapted to be heated, wherein the grill base has a top end, a bottom end, and an open interior that is adapted to hold a heatable substance that produces smoke or liquid vapors when heated;

a grill member positioned generally above the grill base to receive a grillable substance,

a platform coupled to the grill base upon which the grill member rests, wherein the platform includes a central hole that is at a geometric center of the platform such that smoke or liquid vapors rising from the open interior of the grill base pass through the hole and then through the grill member.

20. (Previously presented) The grilling system of claim 19, further comprising a conduit wherein the conduit has a circular cross-sectional profile, and wherein the conduit has a cross-sectional diameter of about one-half inch to about two inches.

Claim 21 (Canceled).

REMARKS

Claims 1-5, 7, 8, 10-13, 19 and 20 have been examined. No claims have been amended. Reconsideration of the claims in view of the following remarks is respectfully requested.

Claim Rejections - 35 U.S.C. §103

Claims 1-5, 7, 8, 10-13, 19 and 20 have been rejected under 35 U.S.C. §103(a) as being unpatentable over Schafer in view of Kasson. This rejection is respectfully traversed.

As set forth in Applicants previous amendment, one limitation of independent claim 1 is that the insert contacts and rests on the bottom end of the base. As set forth at page 3, lines 1-2 of the present application, the direct contact of the insert with the grill base is critical in increasing the amount of heat transfer.

In rejecting claim 1, the Office Action recites that Kasson discloses an insert G within a grill base F to divided the grill base into separate chambers. The Office Action further recites: "In regard to the location of the insert, contacting and on the bottom of the base, such is considered an obvious manner of design choice, since the operation of the device is the same whether it is suspended within the base or resting on the base bottom." Applicants respectfully disagree.

First, Applicants note that element G within the Kasson patent is not an insert as alleged but is rather a chamber used to hold a liquid. Hence, for at least this reason the rejection set forth in the Office Action does not provide a prima facie case of obviousness because element G is not an insert.

Second, even assuming that the Kasson patent describes some structure which divides the grill base into separate chambers, it would not have been obvious to include such a structure on the bottom of the base so that it contacts the base. More specifically, the Kasson patent describes a boiler that is used for boiling water. As such, the Kasson device includes a chamber F which is supplied with water. If the structure surrounded by element G were placed into direct contact with the bottom of the base, chamber F would be eliminated and would render

the device inoperable for its intended use. Hence, the Kasson patent directly teaches away from placing any structure directly onto the base as this would eliminate chamber F and make it impossible to provide the steaming function described. Hence, such a configuration would not be a mere matter of design choice.

Therefore, for at least two reasons, a prima facie case of obviousness has not been established. Hence, it is respectfully requested that the §103 rejection of independent claim 1 be withdrawn. Claims 2-5 and 7 depend from claim 1 and are distinguishable for at least the same reasons.

With regard to the rejection of independent method claim 8, the Office Action recites that the location of the hole has not been given any patentable weight. Applicants respectfully disagree with this conclusion. The last step of independent claim 8 recites the step of heating the grill base to cause heat to be transferred to the grill member which in turn produces smoke or liquid vapors which rise up and pass through the central hole. Hence, the location of the central hole is not merely a structural limitation but directly affects the method step by permitting the smoke or liquid vapors to pass through the geometric center of the platform. Hence, it is respectfully requested that this limitation be given patentable weight. In so doing, it is clear that independent claim 8 includes features which are not taught in Schafer or Kasson as set forth in Applicants previous response. Claims 10-13 depend from claim 8 and are distinguishable for at least the same reasons.

Claims 19 and 20 have been rejected under 35 U.S.C. §103(a) as being unpatentable over Schafer in view of Kasson and further in view of Ballentine. This rejection is respectfully traversed. As presently pending, independent claim 19 includes the limitation that the platform includes a central hole that is at a geometric center of the platform such that smoke or liquid vapors rising from the open interior of the grill pass through the hole and then through the grill member.

In rejecting independent claim 19, the Office Action relies on the Ballentine patent to teach the use of "a hole 30 in a platform 35." Applicants respectfully disagree with this characterization of the Ballentine patent. As set forth in the Ballentine patent, element 30 is not a hole but rather a deflection chamber 30 that has a top 31. As such, the steam/air mixture which

passes up into deflection chamber 30 is sent laterally outward through laterally oriented openings 33. Because of top 31, the steam does not go through a central opening in a platform but sideways, being deflected by top 31. Therefore, the Ballentine fails to describe a platform with a central hole that is at a geometric center to allow smoke or liquid vapors to pass through the hole and then through the grill member. Hence, it is believed that independent claim 19 is distinguishable without amendment. It is therefore respectfully requested that the §103 rejection of claims 19 and 20 in view of Schafer, Kasson and Ballentine be withdrawn.

CONCLUSION

In view of the foregoing, Applicants believe all claims now pending in this Application are in condition for allowance. The issuance of a formal Notice of Allowance at an early date is respectfully requested.

If the Examiner believes a telephone conference would expedite prosecution of this application, please telephone the undersigned at 303-571-4000.

Respectfully submitted,

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